

REMARKS

Claims 1-10 are pending in the present application. Claim 1 is amended. Support for the amendment of claim 1 can be found, *inter alia*, on page 7, lines 15-30 of the Specification. Claim 1 is independent. Claims 8-10 have been added.

Rejection Under 35 U.S.C. § 102

Claims 1-2 and 4-5 are rejected under 35 U.S.C. § 102 as being anticipated by Saints et al. (U.S. Patent No. 6,075,974). Applicants respectfully traverse.

Applicants assert that Saints et al. fail to disclose adjusting a transmit power of a wireless transmitter in relation to an expected number of ACKs and one of a number of ACKs lost and a number of ACKs received for radio transmissions over said wireless link as recited in claim 1. Instead, Saints et al. disclose a method for controlling transmission signal power of transmitted communication signals for a base station that includes the steps of : (a) transmitting a current communication signal; (b) receiving the current communication signal; (c) determining a quality level of the current communication signal; (d) adjusting a quality level threshold based on at least one prior power control message; (e) comparing the adjusted quality level threshold to the quality level of the current communication signal; (f) transmitting a current power control message based on the comparison; and (g) transmitting a new communication signal at an adjusted power level based on the current power control message (Col. 3, lines 4-16). Further, Applicants point out that ACKs are not mentioned in the disclosure of Saints et al. in contrast to the Examiner's suggestion that Figs. 3A-3H, 4 and Col. 5, line 60 through Col. 8, line 18 disclose ACKs. Instead, Saints et al. disclose quality levels of communication signals in Saints

et al. that are based on measured signal to noise ratio (SNR), measured received power, or decoder parameters such as symbol error rate, Yammamoto metric, or parity bit check indication (Col. 4, lines 45-51). Therefore, Saints et al. can not disclose or suggest adjusting a transmit power of a wireless transmitter in relation to an expected number of ACKs and one of a number of ACKs lost and a number of ACKs received for radio transmissions over said wireless link as recited in claim 1. Based on the foregoing, Applicants assert that each and every element of the invention is not disclosed by Saints et al. Applicants respectfully request that the 35 U.S.C. §102 rejection of claim 1 be withdrawn.

With respect to claims 2, 4, and 5, Applicants assert that they are allowable at least because they depend from claim 1 which Applicants assert is allowable.

Claims 1 and 3 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Mochizuki (EP 0 917 304). Applicants respectfully traverse.

Applicants assert that Mochizuki fails to disclose adjusting a transmit power of a wireless transmitter in relation to an expected number of ACKs and one of a number of ACKs lost and a number of ACKs received for radio transmissions over said wireless link as recited in claim 1. Instead, Mochizuki discloses a transmission power control circuit 15 that waits for receiving a receipt acknowledge signal ACK from a receiving station for a predetermined period of time that is set by a timer 18. If no receipt acknowledge signal ACK is received in the predetermined period, the transmission power control circuit 15 increases the transmission power. If the receipt acknowledge signal ACK is received in the predetermined period of time, object transmission data is transmitted with the expected transmission power (FIG. 3, Col. 6, lines 10-25, and generally discussed at Col. 5, lines 5-46). Applicants assert that this is not the same as adjusting

a transmit power of a wireless transmitter in relation to an expected number of ACKs and one of a number of ACKs lost and a number of ACKs received for radio transmissions over said wireless link as recited in claim 1. Based on the foregoing, Applicants assert that each and every element of the invention is not disclosed by Mochizuki. Applicants respectfully request that the 35 U.S.C. §102 rejection of claim 1 be withdrawn.

With regard to claim 3, Applicants assert that it is allowable at least because it depends from claim 1 which Applicants assert is allowable.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants have not put claims 6 and 7 into independent form because they depend from claim 1 which Applicants believe have been shown to be allowable.

CONCLUSION

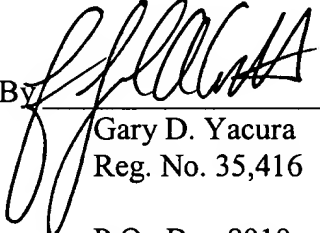
In view of the foregoing, Applicants submit that claims 1-10 are patentable over the relied upon references, and that the application as a whole is in condition for allowance. Early and favorable notice to that effect is respectfully solicited.

In the event that any outstanding matters remain pending in this application, Applicants request that the Examiner contact the undersigned to discuss such matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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